

1 CALDWELL LESLIE & PROCTOR, PC
CHRISTOPHER G. CALDWELL, SBN 106790
2 Email: caldwell@caldwell-leslie.com
LINDA M. BURROW, SBN 194668
3 Email: burrow@caldwell-leslie.com
TINA WONG, SBN 250214
4 Email: wong@caldwell-leslie.com
1000 Wilshire Blvd., Suite 600
5 Los Angeles, California 90017-2463
Telephone (213) 629-9040
6 Facsimile (213) 629-9022

7 Attorneys for Defendant
WARNER BROS. ENTERTAINMENT INC.
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11 **UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

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14 SERENDIP LLC & WENDY CARLOS,
15 Plaintiffs,
16 v.

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19 WARNER BROS. ENTERTAINMENT
INC.,
20 Defendants.
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CASE NO. CV 08-07739 RGK (RCx)
The Honorable R. Gary Klausner

**DECLARATION OF MICHAEL J.
KORY IN SUPPORT OF WARNER
BROS. ENTERTAINMENT INC.'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

[Defendant and Counter-Claimant
Warner Bros. Entertainment Inc.'s
Notice of Motion and Motion for
Partial Summary Judgment; Separate
Statement of Uncontroverted Facts and
Conclusions of Law; Declaration of
Linda M. Burrow and Exhibits;
Declaration of Jan Harlan and Exhibit;
and Declaration of Roberta Thornburg
filed concurrently herewith]

Date: November 30, 2009
Time: 9:00 a.m.
Ctrm: 850

DECLARATION OF

I, Michael J. Kory, declare and state:

1. I am the Sr. VP of Worldwide Accounting at Warner Home Video a division of Warner Bros. Home Entertainment Inc., which is a wholly owned direct subsidiary of Warner Bros. Entertainment, Inc. ("Warner Bros."). I have held this position since January, 2007 and have been employed by Warner Bros. since August, 1982. I submit this declaration in support of Warner Bros.'s Motion for Partial Summary Judgment. Except as expressly stated, I have personal knowledge of the facts set forth below and, if called as a witness, could and would testify accurately to their veracity.

2. In my position at Warner Bros., I am responsible for Financial Accounting for Warner Home Video. Accordingly, I am familiar with the records Warner Bros. maintains relating to rights acquired by Warner Bros. for films Warner Bros. distributes via home video.

3. Warner Bros. has distributed and sold *A Clockwork Orange* in home video format in the United States and internationally continuously since 1980. In the 29 years since *A Clockwork Orange* first appeared on home video, Warner Bros. has expended millions of dollars in the production, marketing, and distribution of *A Clockwork Orange* on home video. Over the past ten years alone, Warner Bros. has incurred at least \$1.9 million in production, advertising and distribution expenses in connection with sales of home video copies of *A Clockwork Orange* in the United States.

4. Warner Bros. has also distributed and sold a documentary motion picture entitled *Stanley Kubrick: A Life in Pictures* continuously since 2001 both

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1 as individual DVDs and as part of box sets. During that time, Warner Bros. has
2 invested close to \$ 1 million in the production, marketing and distribution of *Life*
3 *in Pictures* in the United States.

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5 I declare under penalty of perjury under the laws of the United States of
6 America that the foregoing is true and correct. Executed this 4th day of
7 November, 2009 at Burbank, California.

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